PATTERNS OF POWER

The Author's Coat

✦

How London's Booksellers, Their Monopoly Stripped of Its Old Protection, Invented the Rights of the Author to Carry Their Own Commercial Interest — and How the Fiction They Built Outgrew Them and Broke the Monopoly It Was Made to Save — 1557–2026

AN INSTITUTIONAL CASE STUDY

THOMAS J. BRYAN
with Claude (Anthropic)
2026

How London's Booksellers, Their Monopoly Stripped of Its Old Protection, Invented the Rights of the Author to Carry Their Own Commercial Interest — and How the Fiction They Built Outgrew Them and Broke the Monopoly It Was Made to Save — 1557–2026

AN INSTITUTIONAL CASE STUDY · PATTERNS OF POWER

Thomas J. Bryan with Claude (Anthropic) · 2026

A Note on This Collaboration

This study is one product of an ongoing collaboration, and the division of labor is worth stating plainly because neither half would produce the work alone. The insight and the direction are Thomas Bryan's — the recognition of what a given case is really an instance of, where the analytical pressure should fall, and which pattern a mass of historical detail is a specimen of. The research, the verification of every date and figure, the location and checking of the quoted words, and the composition into continuous prose are Claude's, an AI system made by Anthropic. The seeing is his; the writing is mine. The combination produces case studies neither of us would produce alone.

The present study traces a single institutional episode and its long consequence: the passage of the Statute of Anne in 1710 — the world's first copyright statute — and the sixty-year contest over its meaning that ended in 1774. It belongs to the *Patterns of Power* project, which tracks recurring mechanisms of power across history through sustained work on specific institutions. The analytical framework that organizes the project operates beneath the prose rather than on its surface; the terms the authors use between themselves to name the recurring dynamics do not all appear here. What appears is the historical record, read closely, with the analysis carried by the specific facts. The aim is not to advocate or condemn but to trace what happened, how, and with what consequences, and to place the genuine achievement and the interested design in the record together. The reader judges.

This case earns a particular fascination for the project, because it is the clearest specimen in the whole collection of a structure that outran the intent of its makers. The men who built the instrument built it to serve their monopoly; the instrument, once built, became the thing that broke the monopoly, and did so precisely through the fiction they had invented to save it. The standing preference of the project is for paraphrase, and it is kept here except at the decision moments — where a single sentence carries the design, or a judge names the usurpation in words no paraphrase could improve — at which points the wording is quoted exactly, kept short, and verified to its source.

The Study in Brief

Part I — The Landscape: A Monopoly Kept by the Crown's Bargain. How the London book trade was governed before 1710 — the Stationers' Company holding a total monopoly on printing in exchange for policing what was printed, the "copy" belonging to the publisher and the author nowhere in it — and how the removal of that arrangement in 1695 threw the trade into a disorder the guild could not repair.

Part II — The Failure of the Old Demand. How the Stationers spent fifteen years and a dozen attempts trying to restore the machinery they had lost, and why every attempt failed — because the thing they were asking for was a discredited engine of censorship, requested in the guild's own contested name, at a moment when Parliament would grant neither.

Part III — The Architect's Hour, and the Coat They Cut. How the booksellers, unable to win back their monopoly as a monopoly, changed the thing they were asking for: they stopped petitioning for their own right to print and began petitioning for the author's right to property, dressing a commercial interest in a figure Parliament could honor — and how the Statute of Anne was the garment they cut.

Part IV — The Skew, and What Parliament Wrote Back. What the publishers got and what they did not; how Parliament, not deceived, wrote into the act the two things the trade had never wanted — a limited term and a genuine vesting in the author — and why the booksellers took the bargain anyway, knowing an author had nowhere to take his new right but to them.

Part V — The Institution's Logic and the Inheritor's Hour. How the statute's terms began to expire and the booksellers fought thirty years to escape the limit they had accepted; how they nearly won a perpetual right in the courts; and how, in 1774, the author's-property fiction they had invented in 1710 became the very lever that struck their monopoly down — the structure breaking free of its makers, as structures do, and the ledger of an instrument that served learning by accident and the trade by design.

PART I

The Landscape: A Monopoly Kept by the Crown's Bargain

Part I — The Landscape: A Monopoly Kept by the Crown's Bargain

Every study in this project begins with the landscape, because a decision cannot be read until one has recovered the world it was made in — not the world as the analyst knows it now, with copyright a familiar and seemingly natural feature of the legal order, but the world as it stood to the people inside it, for whom none of what we take for granted yet existed. And here the recovery is unusually demanding, because the thing the modern reader most needs to unlearn is the very idea at the center of the story. We think of copyright as a right that belongs, by its nature, to the author — the person who made the work. The landscape into which copyright was born contained no such idea. In it, the right to a book belonged to the printer, the author was a person one bought a manuscript from and then forgot, and the entire apparatus existed not to reward creation but to control it. To read what the booksellers did in 1710, one must first stand in a world where the author had no rights at all, and see that this was not felt as an injustice but as simply how the printing of books worked.

One — The Guild and the Bargain

The governing institution of the English book trade was the Stationers' Company, a London guild of printers and booksellers that had received a royal charter in 1557, and the terms of that charter reveal exactly what the arrangement was for. The Crown granted the Company a near-total monopoly over printing in England: with narrow exceptions, no one who was not a member of the Stationers' Company could lawfully operate a press or print a book. This was an enormous privilege, and it was granted, as such privileges are, in exchange for a service the Crown wanted and could not easily perform itself. The service was censorship. A press is a dangerous thing to a government — it multiplies sedition and heresy as easily as psalms — and the Tudor and Stuart states wanted the output of the presses controlled. By vesting the whole trade in a single guild whose privileges depended on royal favor, the Crown created a body with every incentive to police itself: the Stationers, to keep their monopoly, would suppress the unlicensed and the seditious, denounce the interloper, and confine printing to what authority permitted. The monopoly was the payment and the censorship was the work, and the two were a single bargain. This is the floor beneath the whole landscape, and the method names it plainly: the book trade was a monopoly held by a guild in exchange for the guild's service as the enforcement arm of the state's control over the printed word. Behind the register and the charter stood the Star Chamber and the licenser; the guild's commercial order rested on the state's power to punish, and everyone in the trade knew it.

Two — The "Copy," and the Absent Author

Within this monopoly the trade governed itself through a device that is the exact origin of the word we still use, and understanding it is the whole key to the landscape. When a member of the Stationers' Company acquired a manuscript he wished to print, he established his exclusive

right to it by entering its title in the Company's register as his "copy." The entry made the copy his — his to print, reprint, and sell, and his to defend against any other Stationer who tried to print the same text, the Company's own courts enforcing the right among the members. This registered right, the ancestor of copyright, had three features that the modern reader must hold fixed, because every one of them would be inverted by the end of the story. It was perpetual: once a Stationer held a copy, he held it forever, and passed it to his heirs and sold it to other Stationers as a permanent and heritable property, so that the great copies — the Bible, the popular poets, the schoolbooks — were assets of enduring value traded within the guild. It was the publisher's, not the author's: the right belonged to the member of the Company who registered it, and the author, who had sold his manuscript for a lump sum, retained nothing and was, in the structure of the thing, simply the person from whom the raw material had been bought. And it was private guild law: it existed inside the Stationers' Company and was enforced by the Company, not a right known to the general law of the land or available to anyone outside the guild.

The absence of the author from this picture is not an oversight to be corrected but the defining fact of the landscape, and the method insists on reading it as such rather than backfilling it with a later sensibility. In the world before 1710 there was no legal notion that an author had a property in what he wrote. Writing had long been regarded as something closer to a communal or moral act than a commercial one, and the commercial value of a book, such as it was, was understood to lie in the labor and capital of printing and selling it, which were the Stationer's. An author wrote, sold his manuscript to a Stationer for whatever it would fetch, and thereafter had no more claim on the printed book than the farmer has on the loaf. This was not experienced by anyone as a wrong done to authors, because the category of a wrong done to authors did not yet exist. The right was the printer's; the author was upstream of it; and the whole trade ran on that understanding for a century and a half. The reader who feels that this arrangement was unjust to writers is feeling a sensibility the story is about to invent — and inventing it, as the study will show, was itself a move in a commercial game.

Three — The Floor Removed

The arrangement rested, as the whole of it rested, on the state's continuing willingness to enforce the monopoly, and in 1695 that willingness was withdrawn. The instrument of enforcement in its later form was the Licensing Act, the lineal descendant of the printing ordinances and Star Chamber decrees reaching back to the sixteenth century, which confirmed the Stationers' monopoly and provided the machinery of pre-publication licensing through which printing was controlled. The Act was subject to periodic renewal by Parliament, and in 1695, after a temporary renewal lapsed, Parliament declined to renew it again. The reasons were various — a growing distaste for the licensing system's censorship, practical objections to its administration, and the influence of men, John Locke among them, who argued against the whole apparatus of pre-publication control — but the effect for the book trade was singular and immediate. The floor was gone. With the Licensing Act lapsed, the legal foundation of the Stationers' monopoly dissolved: the Company could no longer invoke the state's power to

restrain others from printing, and its register, once backed by law, became a private ledger with no force outside the guild.

The consequence was exactly what the removal of a floor of force always is — the strong could no longer do as they pleased, and everyone the monopoly had excluded rushed into the opening. Printing presses sprang up in provincial towns beyond London's control, producing books more cheaply than the London booksellers who had grown fat on monopoly prices. Cheap editions, foreign imports, and unrestrained reprinting flooded a market that had been walled for a century and a half, and the London trade, which had built its wealth and its whole way of operating on the assumption of a protected monopoly, found its most valuable copies reprinted by anyone with a press and no obligation to respect a guild register that the law no longer enforced. This was the disorder — from the booksellers' point of view a catastrophe, from the reading public's point of view a windfall of cheaper books — into which the campaign for a new law was launched. And the shape of the problem, as always, decided who would act: the party in pain was the London book trade, the party with the motive was the London book trade, and the solution that would be reached for would be a solution to the London book trade's problem, drawn to the London book trade's convenience. What that trade wanted was its monopoly back. What it would discover, across fifteen years of failure, was that it could not have the thing it wanted by asking for it — and that discovery is the hinge of the whole case.

PART II

The Failure of the Old Demand

Part II — The Failure of the Old Demand

The Stationers did not, in 1695, invent copyright. Their first instinct, and their instinct for the next fifteen years, was the opposite of invention: they wanted the old machinery back exactly as it had been, and they asked for it, again and again, and were refused. The study dwells on this failure because it is the necessary setup for the architect's hour — the record of a powerful body trying to get what it wanted by the direct route, failing because its position could not command that route, and being driven by the failure to the indirect route that worked. The forerunner to the successful design was a long series of unsuccessful ones, and their common defect is the exact measure of what the eventual success required.

One — Twelve Attempts at the Wrong Thing

In the years after 1695 the Stationers mounted repeated efforts to restore the licensing system, and the count that survives is stark: something on the order of a dozen separate attempts to replace the lapsed Act, spread across a decade and a half, nearly all of them failing. The early bills were, in substance, what one would expect from a body that wanted its old world back — they were attempts to re-enact the Licensing Act, or something very like it, with its combination of a restored printing monopoly and a restored apparatus of pre-publication control. The first such effort came within days of the lapse; the Stationers held an emergency meeting to petition for relief almost as soon as the floor was gone, and bills to reinstate a licensing regime were introduced and reintroduced across the following years. They did not pass. And the reason they did not pass is the whole lesson of the part: the Stationers were asking for the wrong thing, in the wrong name, at the wrong moment.

Two — Why the Direct Route Was Closed

Three features of their position closed the direct route, and each is worth naming because together they define what the successful design would have to route around. The first was that the thing they were asking to restore was censorship, and censorship had just been deliberately abandoned. Parliament had let the Licensing Act lapse in part because a rising body of opinion had turned against pre-publication control of the press as an offense against liberty; to restore the licensing machinery was to ask Parliament to reverse a judgment it had just made on principle, and the men who had argued the principle — Locke and those he influenced — were still there to argue it again. A demand to reinstate the licenser was a demand to walk back the very liberty the lapse had won, and it could not command a majority.

The second was that the thing they were asking to restore was, nakedly, a monopoly for their own guild, and it was recognized as such. A petition from the Stationers' Company for the return of the Stationers' Company's exclusive privileges was transparently a request by a private interest for the restoration of a private advantage, and it carried the odor of the guild monopoly at a moment when such monopolies were increasingly out of favor. The trade was asking, in its

own name, for its own enrichment, and asking in that form invited exactly the answer such requests invite — that this was a self-interested grab dressed as a public necessity, to be refused as such. This is the recurring problem the project has traced in other landscapes: the party that most wants a settlement is very often the one party whose open advocacy of that settlement guarantees its defeat, because the naked self-interest of the demand is its own refutation.

The third was that the author, in whose name the whole thing might have been more palatably asked, was still nowhere in the demand. The Stationers were asking for the printer's monopoly, the guild's register, the trade's protection — a structure with no sympathetic figure at its center, nothing Parliament could point to as the deserving beneficiary of its generosity. A monopoly asks to be broken; a wronged creator asks to be protected; and the Stationers, for fifteen years, kept asking as a monopoly. The materials of a better argument lay to hand — writers had begun, in these very years, to complain of the piracy the disorder had unleashed, and a public language of the author's deserts was available to be picked up — but the guild's first instinct was to reach for the world it knew, and the world it knew was a monopoly held in the guild's name. The direct route was closed by all three walls at once: censorship discredited, monopoly suspect, and no author to stand in front of either. What was needed was not a better version of the old demand but a different demand entirely — and necessity, at last, supplied it.

PART III

The Architect's Hour, and the Coat They Cut

Part III — The Architect's Hour, and the Coat They Cut

Power of the kind this project tracks is built in a bounded episode — a season, a set of rooms, a small number of actors with a real and pressing problem and the materials actually at hand, designing a settlement and drawing it toward the position they occupy. The architect's hour of copyright is unusual in the collection for being, at its center, an act of pure reframing: the actors did not gain a new power or seize a new asset but discovered a new *description* of the thing they had always wanted, a description that could pass where the old one had failed. The materials were the same, the interest was the same, the desired result was substantially the same; what changed was the coat the demand was dressed in. And the coat they cut, out of the disorder of their failure, was the author.

One — The Turn

The decisive move, made across the years 1709 and 1710, was to stop asking for the printer's monopoly and start asking for the author's property. It is essential to see that this was a change in presentation before it was anything else, and that its genius lay exactly there. The London booksellers wanted what they had always wanted: a legal right to control the printing of the books whose copies they held, enforceable against the provincial and foreign reprinters who were undercutting them. They had asked for this as a guild monopoly and been refused. Now they asked for it as the natural right of authors to the fruit of their labor — and the same protection that had been unthinkable as a printer's privilege became, dressed in the author's coat, a measure for the encouragement of learning that Parliament could embrace. The trick, and it was a trick, was that an author's right, once granted, could be and routinely would be transferred to a publisher; so a statute that vested the right in authors would, in the ordinary course of the trade, deliver the right straight into the hands of the booksellers who bought the authors' manuscripts, exactly as before. The booksellers were not proposing to enrich authors. They were proposing to route their own enrichment through the author's person, because the author was a figure the law would protect and the guild was not.

This is the reflex the project has marked in other founding settlements, and it appears here in its purest form: when a change cannot be carried under the sponsor's own contested authority, the shrewd move is to route it through a more authoritative figure who can carry it — to attribute the new rule not to oneself, whom the audience distrusts, but to a figure the audience already honors. The Stationers could not move Parliament in the name of the Stationers. They could move it in the name of the author, a figure of evident and sympathetic desert, and they had only to arrange that the right, once created in the author's name, would flow to them. The author was not the beneficiary of the design. The author was the instrument of it — the coat in which the guild's old interest was cut so that Parliament would clothe it in law.

Two — The Language of Learning

The reframing was carried in public by voices that gave it the tone of a reform, and the most notable of them was Daniel Defoe. Across 1709 Defoe pressed in his *Review* for a law that would secure the property of books to their authors, framing the matter as one of justice to the writer and encouragement to letters; he went so far, in December of that year, as to supply a draft of what such a bill might contain. Whether Defoe wrote as a sincere advocate of authors' deserts or as a useful amplifier of the trade's interest is a question the method declines to resolve, because it does not need to: the point is that the public language in which the campaign now spoke was the language of learning and the author's due, and that this language did the work the guild's own language could not. The petitions that the Stationers submitted to the House of Commons in these months were pitched to it. The complaint was of piracy and its ruin of deserving men; the remedy sought was the securing of property in books; and the beneficiary named was the author, or the author's assignee — that last phrase, quietly, being the hinge on which the whole benefit swung back to the trade.

The Commons received the reframed demand as the earlier demand had never been received. A drafting committee was formed, and on the eleventh of January 1710 a bill was introduced under a title that announced the coat in its very words: *A Bill for the Encouragement of Learning, and for Securing the Property of Copies of Books to the Rightful Owners thereof*. Learning was the announced purpose; the securing of property in copies was the mechanism; and the "rightful owners," left artfully undefined, could be read as the authors the preamble honored or the booksellers who would hold the copies in fact. The measure that had been impossible for fifteen years as a restoration of monopoly moved, in a single session, as an encouragement of learning. The architect's hour had found its form.

Three — The Statute

The Statute of Anne received royal assent and took effect on the tenth of April 1710, under the title the committee had given it — an act for the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned. Its preamble is worth reading for the coat it wears, because the wording is the design. It recited that printers and booksellers had of late taken the liberty of reprinting books without the consent of the authors and proprietors, to their very great detriment and too often to the ruin of them and their families, and it declared its purpose to be the prevention of such practices and the encouragement of learned men to compose and write useful books. The wronged party named first is the author, ruined with his family by the pirate; the purpose named is the encouragement of learning; and no reader of the preamble alone would guess that the measure was carried by a guild of booksellers seeking to restore the commercial protection it had lost. The coat is worn in the very first sentence. Whether the men who cut it believed in it — whether they had come, in the way of formation, half to believe the author's-right language they had adopted for advantage — is a question the study holds open, because a coat worn long enough is felt as one's own skin, and the later generations of the trade would defend the

author's right with a conviction that looks entirely sincere. At the founding, though, the interest is legible beneath the cloth: the Stationers wanted their monopoly, could not get it as a monopoly, and got the substance of it by asking for something else in the author's name.

PART IV

The Skew, and What Parliament Wrote Back

Part IV — The Skew, and What Parliament Wrote Back

A settlement drawn by an interested party to solve that party's problem is never delivered to that party whole, because the settlement must pass through a body with interests of its own, and the marks that body leaves are as much a part of the design as the sponsor's intent. The Statute of Anne is an unusually clean case for reading this, because the record shows both the skew the booksellers built in and the two corrections Parliament wrote back — and because those corrections, accepted by the trade as tolerable at the time, turned out to contain the seeds of the trade's later defeat. The skew is what the sponsor got. What Parliament wrote back is what the sponsor had to swallow. The whole later history grows from the difference.

One — What the Booksellers Got

The booksellers got, in the main, the thing they had been unable to win for fifteen years: a legal right, enforceable in the ordinary courts of the land rather than merely in the guild's own, to control the printing of the books whose copies they held. A reprinter who printed a protected book without the consent of the proprietor now faced forfeiture and penalty at law, and the provincial and foreign pirates who had feasted on the post-1695 disorder could be pursued through the courts with the statute in hand. And the mechanism delivered the benefit to the trade exactly as designed: because the right could be assigned, and because an author had little use for a right to print that he had neither the press nor the capital nor the trade connections to exploit, the author who received the statute's right did with it what authors had always done — he sold it to a bookseller, along with the manuscript, for his lump sum. The statute changed the form of the transaction and not its substance; where before the bookseller had bought a manuscript and registered his copy, now he bought a manuscript and its copyright, and the copy ended in the same hands as always. The registration machinery, too, was preserved in the Stationers' own hall, the statute directing that titles be entered in the Company's register as had been usual — the guild's old ledger written into the new law, its administrative centrality quietly retained. In the near term, the trade had cause for satisfaction. It had lost a monopoly in 1695 and recovered, in 1710, a protection that in daily practice put the valuable copies back under its control.

Two — What Parliament Wrote Back

But Parliament had not been wholly deceived, and it wrote into the act two provisions the trade had not wanted and would spend the next sixty years trying to escape. The first was the limited term. The perpetual right the Stationers had always enjoyed under their guild register — the copy held forever and passed to one's heirs — was not what the statute granted. For new books the statute granted a term of fourteen years, renewable for a single further fourteen if the author were still living, and no longer; for books already in print at the statute's passage it granted a single term of twenty-one years. After the term, the statute said, the exclusive right ended. This was a profound departure dressed as a technicality, and the method marks it

because the booksellers plainly underweighted it at the time. A right that had been perpetual was made to expire, and an expiring right meant that the great copies — the classics, the standard poets, the schoolbooks whose perpetual ownership was the trade's deepest wealth — would, in time, pass out of any private control and become free for anyone to print. Parliament had, in the act of granting the trade its protection, written into that protection a fuse.

The second was that the right was genuinely vested, in the first instance, in the author. This the booksellers had intended as a coat and Parliament made, at least in the letter, a fact: the statute's opening grant of the right in newly composed works ran to the author and his assigns, so that the author was, as a matter of the statute's plain words, the original proprietor, the bookseller taking only by assignment from him. In the commercial reality of 1710 this changed little, because the author had nowhere to take his right but to a bookseller; the coat and the body were, for the moment, the same shape. But a fact written into a statute has a life beyond the intentions of those who wrote it, and the plain words — that the right originated in the author and came to the bookseller only by transfer — would later be available to be read against the trade, as the foundation of an argument that the author's right, and not the bookseller's monopoly, was what the law protected, and that the author's right, once its statutory term expired, left nothing behind for the bookseller to hold forever. The booksellers accepted the vesting because in 1710 it cost them nothing. They did not see that they had signed their name to a principle that could be turned against them, because from where they stood the author was a formality and the copy was theirs in fact. The skew and the correction sat together in the single act: the trade got its protection, and Parliament got a limited term and an author's right, and the trade took the bargain because the corrections looked, in 1710, like a price worth paying. Whether it was a price worth paying would be litigated for sixty years.

PART V

The Institution's Logic and the Inheritor's Hour

Part V — The Institution's Logic and the Inheritor's Hour

The architect's hour ends when the settlement passes out of the hands that designed it, and what follows is governed not by the designers' intentions but by the logic of the thing they made and the interests it thereafter served. The Statute of Anne passed into a book trade that treated it, for two decades, as a satisfactory recovery of the trade's position — until the fuse Parliament had written into it began to burn. The story of the next sixty years is the story of the booksellers discovering, slowly and then all at once, that the instrument they had built to save their monopoly contained the mechanism of its destruction, and that the author's right they had invented as a coat had become a body that would not do as the trade wished. It is, in the collection, the sharpest instance of a structure outrunning the intent of its makers — sharper even than an architecture that merely serves interests its designer never held, because here the design turned and struck the designer.

One — The Fuse Burns

The statute took effect in 1710, and its clock began to run. The twenty-one-year term granted to books already in print would expire in 1731, and as that year approached the London trade confronted the consequence it had underweighted at the founding: its most valuable copies, the perpetual assets of the guild, were about to fall out of protection and become free for anyone to reprint. The trade's response is the institution's logic in plain view — a body acting, without any need of conspiracy, on the interest its position handed it. The booksellers first did what they had done before: they went to Parliament and lobbied for a new statute to extend the term, to push the fuse back. This time they failed; Parliament, having set a term, would not simply lengthen it on the trade's request. And so, the legislative route closed, the trade turned to the courts, and there mounted the argument that would occupy the next thirty years — an argument that reveals, with complete clarity, what the booksellers had wanted all along and what the statute had actually given them.

Two — The Battle of the Booksellers

The argument was this: that copyright had not been created by the Statute of Anne at all, but existed before it and independently of it, in the common law, as a perpetual property right of the author in his work — a right the statute had merely supplemented, not replaced. If this were so, then the expiry of the statutory term was of no consequence, because beneath the expiring statutory right lay an undying common-law right, which the author had assigned to the bookseller along with everything else, and which the bookseller therefore held forever, exactly as the guild had held its copies forever before 1695. The whole perpetual monopoly the trade had lost would be restored, not as a guild privilege this time, but as the author's natural property — held, of course, by the trade. The coat had become the argument. The author's right the booksellers had invented in 1710 to carry their monopoly was now advanced, in its own name, as the ground of a perpetual monopoly the statute had been passed to end.

For a season it worked, and the study marks the near-success because it shows how close the structure came to being bent fully back to its makers' purpose. The contest ran through the courts across the middle of the century — the Battle of the Booksellers, as it came to be called — and the London trade pressed its perpetual-right theory with skill and persistence, aided by the ordinary advantages of wealthy incumbents in litigation. In 1769, in *Millar v. Taylor*, the Court of King's Bench held for the booksellers: it found that a perpetual common-law copyright did exist and had survived the Statute of Anne, so that the author's right — and through him the bookseller's — endured beyond the statutory term forever. It is worth noting, as the record does, that the chief judge in that case had earlier in his career been counsel to the copyright-holding booksellers, a detail the method registers without resting anything on it. The perpetual monopoly was, in 1769, the law of England. The trade had taken the instrument built to end perpetual right and made it, through the author's coat, the guarantor of perpetual right. The structure had been bent nearly all the way back.

Three — The Inheritor's Hour

It was bent back, and then in 1774 it broke free, and the breaking is the inheritor's hour of the case — the moment a later body, ruling on the founder's settlement, read the settlement against the founders and settled its meaning for good. A Scottish bookseller, Alexander Donaldson, who had built a trade on reprinting English books whose statutory terms had expired, was sued by the London proprietors on the authority of *Millar v. Taylor* and enjoined from printing James Thomson's poem *The Seasons*. Donaldson appealed to the House of Lords, then the final court of the kingdom, and in February 1774, in *Donaldson v. Becket*, the Lords reversed the perpetual right. They held that whatever right the author might have had at common law, the Statute of Anne had supplanted it for published works, confining the right to the statutory term, after which the work fell free for anyone to print. The perpetual monopoly was struck down; the fuse Parliament had written into the act in 1710 was held to burn after all; and the great copies passed, at last, into what we would now call the public domain.

The speeches in the Lords named the usurpation in terms the study quotes because no paraphrase could improve them. Lord Camden, turning on the booksellers' claim that their perpetual right descended from the deep sources of English law, traced it instead to its actual origins and pronounced them with contempt: the arguments for the booksellers, he said, were "founded on patents, privileges, Star Chamber decrees, and the bye laws of the Stationers' Company; all of them the effects of the grossest tyranny and usurpation" — the very last places, he said, in which he should have dreamt of finding the least trace of the common law of the kingdom. It was an exact genealogy. The perpetual right the booksellers dressed as the author's natural property was in truth the lineal descendant of the censorship monopoly of 1557, the Star Chamber, and the guild register — the floor of force and private privilege from Part I, wearing the author's coat from Part III. And the Attorney-General, pressing for reversal, named the beneficiaries plainly, urging the Lords to rescue the cause of literature and authorship "from the hands of a few monopolizing booksellers." The coat was pulled off in open court. When the

news reached Edinburgh, whose reprinters the London monopoly had most oppressed, there were bonfires in the streets.

The exquisite turn the whole case exists to display is complete in this: the author's right, invented by the booksellers in 1710 as the coat for their monopoly, became in 1774 the instrument that killed the monopoly. Because the statute had vested the right in the author, and had given it a term, the Lords could hold that the author's statutory right — and nothing more — was what the law protected, and that when its term ran out the work belonged to everyone. The trade had built the figure of the rights-bearing author to carry its perpetual monopoly into law; and the rights-bearing author, once built into the statute, turned out to be a figure whose rights were limited and whose limits freed the public — the precise opposite of what the figure had been cut to do. The structure had outrun its makers entirely. They had made a key to lock the door of their monopoly forever, and the key, in another hand, opened it.

Four — The Ledger

Both columns, in ink, because the discipline of the project is to weigh the genuine good of the structures it examines against their interested design, and to let neither erase the other.

In the column of gains, the achievement is real and it is enormous, and no honest account diminishes it because the design was interested. The Statute of Anne, whatever its sponsors intended, established for the first time in the world the principle that a work belongs, in the first instance, to the person who made it, and that the public's access to the world's books is a purpose the law should serve. It ended, in time and against its makers' wishes, the perpetual private ownership of the great texts, and created the public domain into which every work eventually falls — the reservoir of freely usable culture that is one of the quiet foundations of a literate society. It set the template — a limited authorial right in service of the encouragement of learning — that copyright law across the world would inherit, and that still, three centuries later, states the terms in which the balance between the creator's reward and the public's access is debated. The figure of the author as the bearer of the right, cynical though its origin was, became the genuine ground of a real dignity: authors did, over the following centuries, come to hold and profit from rights in their work, and the coat cut to deceive Parliament grew, through long wearing, into something the world came to mean. That the good was not intended by the men who built the instrument does not make it less good. It makes it a clearer instance of the project's deepest finding — that the structure outruns the intent.

In the column of costs, held at equal strength: the instrument was built by an interested party to serve that party's monopoly, and it did serve it, for a long time and at the public's expense. The author, in whose name the whole edifice was raised, was at the founding a device and not a beneficiary — a sympathetic figure conscripted to carry a guild's commercial interest past a Parliament that would not serve the guild directly. The perpetual-right litigation that followed kept the great copies under private control, and prices high, for two full generations after the statute that was supposed to have ended perpetual ownership, because the trade used the very author's-right principle it had invented to argue the term away. And the deepest cost is

the one hardest to see because the instrument succeeded so well: the reframing worked, and worked permanently, so that we now experience copyright as a right that flows from authorship by its nature — the author's coat felt as the author's skin — and cannot easily see that the whole apparatus was cut, at its origin, by booksellers who wanted their monopoly back and found that the author was the figure who could carry it. The naturalness of the idea is the measure of the design's success, and the success was a commercial one before it was ever a moral one.

The case resolves, as the project's cases tend to, against both of the easy pictures and into the harder one between them. It was not the birth of authors' rights by the natural progress of justice, a reform arriving because the time for it had come; a guild of booksellers seeking to restore a lost monopoly is not the natural progress of justice. Nor was it a conspiracy — no cabal sat in permanent session across the eighty years from the lapse of licensing to the fall of perpetual copyright; the Stationers met in the open, failed in the open, reframed their demand in the open, and litigated in the open, each generation of the trade acting on the interest its position handed it and none needing a plot to explain its conduct. It was an architect's hour and an institution's logic: a real problem — the collapse of a monopoly — solved by a few well-placed actors who could not win under their own name and so cut a coat, in plain sight, from the figure of the author; a settlement then carried forward by the trade's ordinary self-interest, which bent the instrument for sixty years toward the perpetual right its makers had always wanted; and at last an inheritor, the House of Lords, that read the founders' own creation against them and settled its meaning for good, freeing the public with the very right the trade had invented to bind it. The most durable power in the story is not a person and not a plot. It is the instrument itself — the author's right, cut as a coat in a bounded hour by men who wanted something else, and grown across three centuries into the thing the whole world now takes for the natural order of letters, serving, in the end, a public its makers never meant to serve. Held, like everything in this project, as tested, not revealed.

A Note on Sources

This is a work of synthesis, and the dates, figures, and quoted words have been drawn from the documentary and scholarly record.

The landscape of the Stationers' Company — its 1557 charter, its monopoly held in exchange for the policing of the press, the device of the registered "copy" as a perpetual and heritable right vested in the publisher rather than the author, and the absence of any authorial property right before 1710 — follows the standard histories of the English book trade, including Cyprian Blagden's history of the Stationers' Company, Lyman Ray Patterson's *Copyright in Historical Perspective*, Mark Rose's *Authors and Owners: The Invention of Copyright*, and John Feather's studies of the trade and the law. The 1695 lapse of the Licensing Act, its background in the printing ordinances and Star Chamber decrees, the role of the shift in opinion against pre-publication censorship and of John Locke's influence, and the disorder of unrestrained reprinting that followed, follow the same scholarship and the Cambridge history of the book in Britain.

The failure of the roughly dozen attempts to restore the licensing system between 1695 and 1710 follows Feather's "The Book Trade in Politics: The Making of the Copyright Act of 1710" and the copyrighthistory.org commentary on the 1710 act. The reframing toward the author's right, Daniel Defoe's advocacy in his *Review* in 1709 including his call to secure "the Property of Books to the Authors or Editors of them" and his supplying of a draft, the Stationers' petitions of December 1709, the drafting committee, and the bill's introduction on 11 January 1710 under the title *A Bill for the Encouragement of Learning, and for Securing the Property of Copies of Books to the Rightful Owners thereof*, follow the parliamentary record and the cited scholarship. The Statute of Anne itself (8 Anne c. 19), its full title, its preamble concerning books printed "without the consent of the authors or proprietors ... to their very great detriment, and too often to the ruin of them and their families," its purpose of "the encouragement of learned men to compose and write useful books," its terms of fourteen years renewable once for living authors and twenty-one years for existing books, its vesting of the right in authors and their assigns, and its retention of registration at Stationers' Hall, are quoted and paraphrased from the text of the act as reproduced in the Avalon Project and the copyright-history archives.

The observation that the trade's leaders had no interest in precise definitions because they knew exactly which traditional practices they were protecting follows John Feather as quoted in the copyrighthistory.org commentary. The Battle of the Booksellers, the expiry of the initial terms around 1731, the failed lobbying for term extension, the turn to the courts, and the perpetual-common-law-copyright theory follow the standard accounts. *Millar v. Taylor* (1769) and its holding for perpetual common-law copyright, and *Donaldson v. Becket* (1774) and the House of Lords' reversal confining copyright to the statutory term, follow the law reports and the copyrighthistory.org commentaries; Lord Camden's characterization of the booksellers' arguments as "founded on patents, privileges, Star Chamber decrees, and the bye laws of the Stationers' Company; all of them the effects of the grossest tyranny and usurpation," and the Attorney-General's plea to rescue literature "from the hands of a few monopolizing booksellers," are quoted from the parliamentary report of the case (Cobbett's / Hansard, 17 (1774)) as reproduced in the scholarship. The Edinburgh bonfires on news of the decision follow the journal of Robert Forbes, Bishop of Ross and Caithness, as reproduced in the standard accounts.

Contested matters are flagged as such, and no verdict rests on the strongest form of any disputed claim. In particular, the reasoning and even the vote in *Donaldson v. Becket* are the subject of a substantial scholarly literature and some genuine uncertainty, and the study rests only on the settled outcome — the rejection of perpetual copyright in published works — and not on any contested reconstruction of the judges' individual opinions. Where the study errs, it should err visibly, in a form the cited scholarship can correct.

Part of the collection *Patterns of Power*. Tested, not revealed.